

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 16, 2006

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning and Environmental Res.

Staff Contact Person: Ty Symroski

AGENDA ITEM WORDING:

MONROE COUNTY PLANNING DEPARTMENT is requesting a Future Land Use Map Amendment from Residential Low (RL) to Residential Conservation (RC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers: 00080120.000100, 00080190.000000 and 00573690.003900.

MONROE COUNTY PLANNING DEPARTMENT is requesting a Future Land Use Map Amendment from Residential Low (RL) to Mixed Use/Commercial (MC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers: 00573630.002600 and 00573630.002601.

(first of two public hearings)

ITEM BACKGROUND:

This is a Planning Department-sponsored amendment. The Development Review Committee held a public hearing on this matter on April 11, 2006 and recommended approval of the amendment. The Planning Commission held a public hearing on this matter on June 28, 2006 and recommended approval of the amendment.

PREVIOUS RELEVANT BOCC ACTION: In 1995, a Land Use Designation change was approved from Sparsely Settled (SS) to Suburban Commercial (SC). However, the map included in the packet was found to be in error, and in 2001, the map was corrected to reflect the change approved in 1995.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: N/A

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐

AMOUNT PER MONTH _____ **Year** _____

APPROVED BY: County Atty X OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:

Ty Symroski 8/1/2-6
Ty Symroski

DOCUMENTATION: Included ☐ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

**MONROE COUNTY YEAR 2010
COMPREHENSIVE PLAN AMENDMENT
FUTURE LAND USE MAP AMENDMENT FROM
RESIDENTIAL LOW (RL)
TO RESIDENTIAL CONSERVATION (RC)**

AND FROM

**RESIDENTIAL LOW (RL)
TO MIXED USE COMMERCIAL (MC)**

**BOARD OF COUNTY COMMISSIONERS
KEY LARGO
AUGUST 16, 2006**

PROPOSED FUTURE LAND USE MAP AMENDMENT

**RESIDENTIAL LOW (RL)
TO RESIDENTIAL CONSERVATION (RC)**

A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT FOR A FUTURE LAND USE MAP (FLUM) AMENDMENT FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL CONSERVATION (RC) FOR PROPERTY LEGALLY DESCRIBED AS DESIGNATE HARBOR COURSE, SEC. 2, TRACT C, OCEAN REEF PLAT 13, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00080120.000100, 00080190.000000 AND 00573690.003900.

AND FROM

**RESIDENTIAL LOW (RL)
TO MIXED USE COMMERCIAL (MC)**

A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT FOR A FUTURE LAND USE MAP (FLUM) AMENDMENT FROM RESIDENTIAL LOW (RL) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS DESIGNATE HARBOR COURSE, SEC. 2, TRACT C, OCEAN REEF PLAT 13, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00573630.002600 AND 00573630.002601.

RECOMMENDATIONS

**DRC: April 11, 2006
PC: June 28, 2006**

BOCC TRANSMITTAL RESOLUTION

RESOLUTION NO. -2006

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **TRANSMITTING** TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST BY THE MONROE COUNTY PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL CONSERVATION (RC) FOR PROPERTY LEGALLY DESCRIBED AS DESIGNATE HARBOR COURSE, SEC. 2, TRACT C, OCEAN REEF PLAT 13, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00080120.000100, 00080190.000000 AND 00573690.003900 AND FROM RESIDENTIAL LOW (RL) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS DESIGNATE HARBOR COURSE, SEC. 2, TRACT C, OCEAN REEF PLAT 13, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00573630.002600 AND 00573630.002601.

WHEREAS the Monroe County Board of County Commissioners makes the following findings of fact:

1. The Development Review Committee held a meeting on April 11, 2006 and recommended to the Planning Commission that they approve the proposed Future Land Use Map Amendments.
2. The Planning Commission acting as the Local Planning Agency held a duly advertised public hearing on June 28, 2006 and made a recommendation to the Board of County Commissioners that they approve the proposed Future Land Use Map Amendments.
3. The Monroe County Board of County Commissioners held a public hearing for the purpose of considering the transmittal to the Florida Department of Community Affairs for review and comment of a proposed amendment to the Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, changing the future land use designation of the properties described above.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board of County Commissioners does hereby adopt the recommendations of the Planning Commission pursuant to the draft ordinance for adoption of the proposed Future Land Use Map amendment.

Section 2. The Board of County Commissioners does hereby transmit the proposed amendment to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Chapter 163.3184, Florida Statutes.

Section 3. The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 16th day of August, 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Dixie Spehar
Commissioner George Neugent
Commissioner _____
Commissioner Glenn Patton

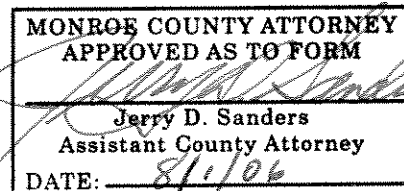
BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY _____
Mayor Charles "Sonny" McCoy

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk



**BOCC ORDINANCE TO AMEND
THE FUTURE LAND USE DISTRICT MAP (FLUM)**



ORDINANCE NO.:

A ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL CONSERVATION (RC) FOR PROPERTY LEGALLY DESCRIBED AS DESIGNATE HARBOR COURSE, SEC. 2, TRACT C, OCEAN REEF PLAT 13, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00080120.000100, 00080190.000000 AND 00573690.003900 AND FROM RESIDENTIAL LOW (RL) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS DESIGNATE HARBOR COURSE, SEC. 2, TRACT C, OCEAN REEF PLAT 13, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00573630.002600 AND 00573630.002601.

WHEREAS, the Monroe County Board of County Commissioners, during a regular meeting held on August 16, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Low (RL) to Residential Conservation (RC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida having Real Estate Numbers 00080120.000100, 00080190.000000 and 00573690.003900, and from Residential Low (RL) to Mixed Use/Commercial (MC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers: 00573630.002600 and 00573630.002601; and

WHEREAS, the Monroe County Planning Commission, during a regular meeting held on June 28, 2006 conducted a review of these same requests and recommended approval to the Board of County Commissioners; and

WHEREAS, the Monroe County Development Review Committee, during a regular meeting held on April 11, 2006 conducted a review and consideration of these same requests and recommended approval to the Planning Commission; and

WHEREAS, the Board of County Commissioners examined the staff report prepared by Julianne Thomas, planner on July 27, 2006; and

WHEREAS, the Board of County Commissioners makes the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions; and

2. In accordance with **Section 9.5-511 (d) (5) (b)**:

(ii.) Changed assumptions:

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.

(iii.) Data errors:

Staff believes that the Residential Low (RL) designation was never meant to include parts of 00080120.000100, 00080190.000000 and 00573690.003900, and now seeks to return the FLUM designation to Residential Conservation (RC).

(iv.) New issues

Staff recognized that areas in Ocean Reef with Land Use Designation changes did not have corresponding Future Land Use Map changes and is seeking to eliminate inconsistencies.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed for both commercial and residential uses in a cohesive way.

3. The subject property was zoned BU-1-M and BU-2-F prior to 1986.
4. The subject property was assigned zoning of Sparsely Settled (SS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential Low (RL) for the SS parcel.
6. The subject property was then changed to Sub Urban Commercial (SC) for parcels RE 00573630.002600 and 00573630.002601 pursuant to a development agreement in 1996.
7. The FLUM was never changed to reflect the change in land use designation.
8. The appropriate FLUM designation for RE #'s: 00080120.000100, 00080190.000000 and 00573690.003900 is Residential Conservation (RC).
9. The appropriate FLUM designation for parcels RE 00573630.002600 and 00573630.002601 is Mixed Use Commercial (MC).
10. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
11. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.

12. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

WHEREAS, the Board of County Commissioners makes the following Conclusions of Law:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed Future Land Use Map designation is appropriate for this property and will allow the owners to make full use of the subject property.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shall be amended as shown in on the attached map, hereby incorporated by reference and attached at Exhibit 1.

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 5. This ordinance is hereby transmitted by the Planning Department to the Department of Community Affairs for review and comment pursuant to Chapter 163, Florida.

Section 6. The Monroe County Staff is authorized to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.011 of the Florida Administrative Code.

Ocean Reef FLUM Ordinance

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____ 2007.

Mayor Charles "Sonny" McCoy _____
Mayor Pro Tem, Dixie Spehar _____
Commissioner George Neugent _____
Commissioner _____ _____
Commissioner Glenn Patton _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

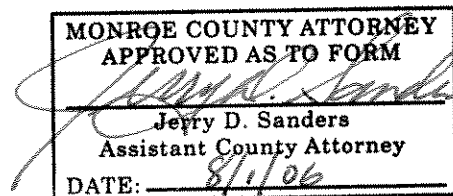
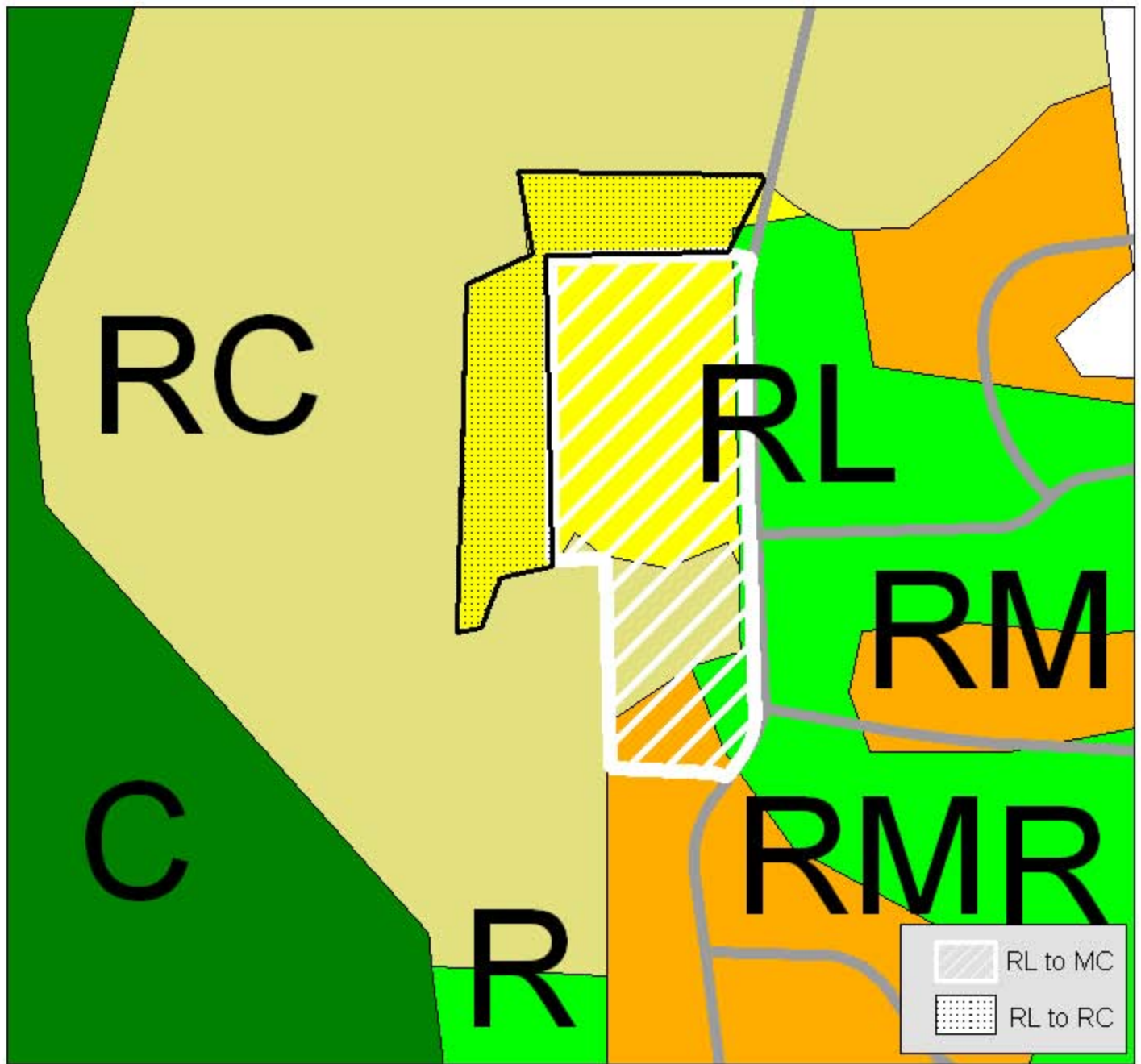


EXHIBIT 1: FUTURE LAND USE MAPS



**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated above and briefly described as:**

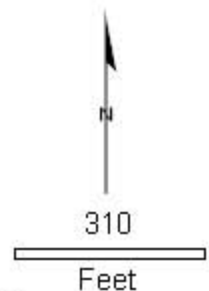
Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Future Land Use Map Designation from
Residential Low (RL) to Residential Conservation (RC) and
from Residential Low (RL) to Mixed-Use Commercial (MC)

Property Description: RE 00080190.000000, 00080120.000100, 00573690.003900
00573630.002600, 00573630.002601

Map Amendment:



Land Use District Map #: 63



Proposed Future Land Use Map Amendment: Aerial

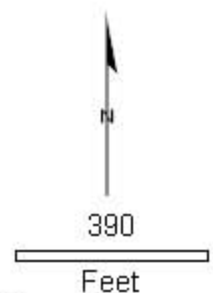
Key: Key Largo

Mile Marker: Ocean Reef Club

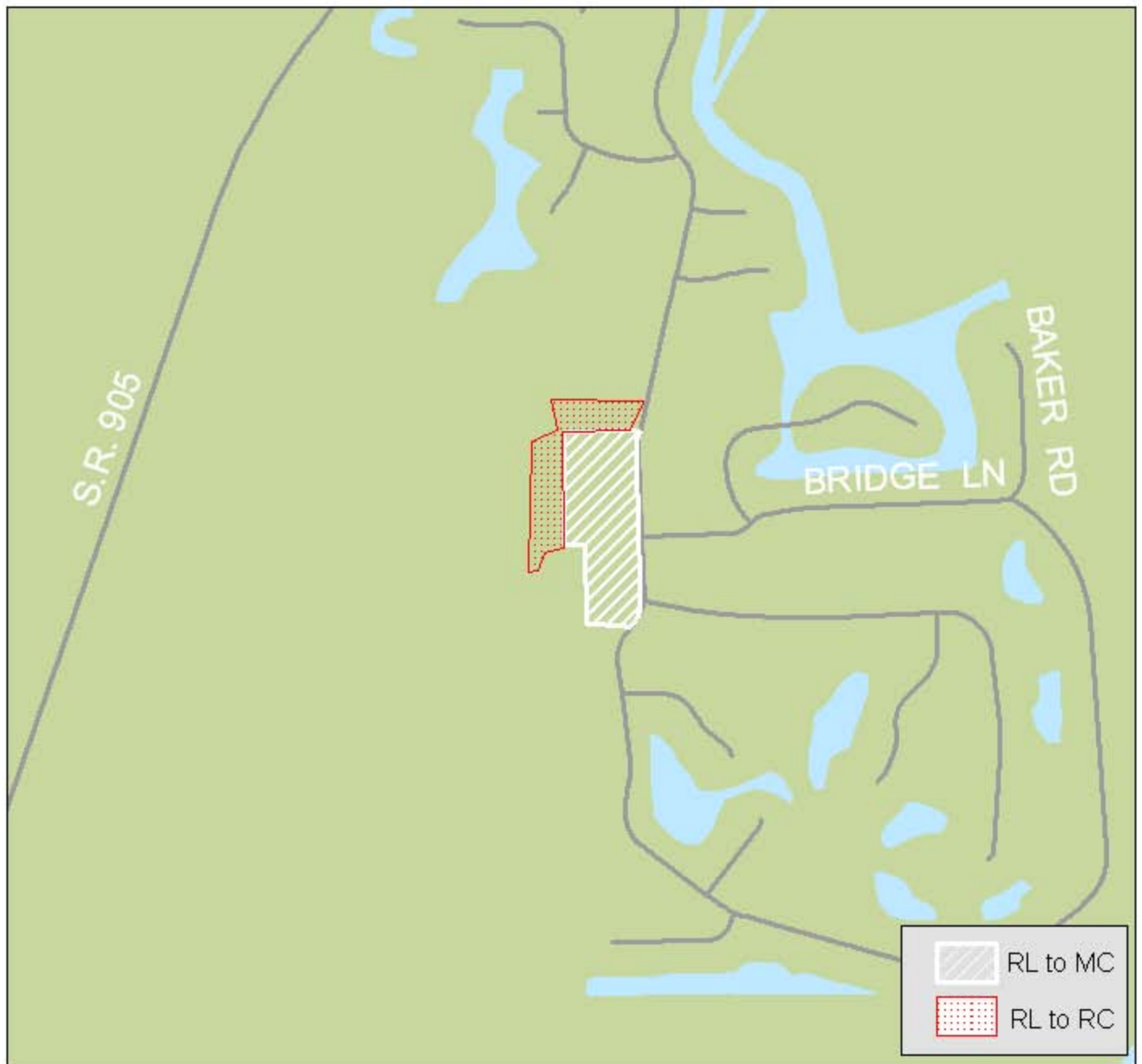
Proposal: Change Future Land Use Map Designation from Residential Low (RL) to Residential Conservation (RC) and from Residential Low (RL) to Mixed-Use Commercial (MC)

Property Description: RE 00080190.000000, 00080120.000100, 00573690.003900
00573630.002600, 00573630.002601

Map Amendment:



Land Use District Map #: 63



Proposed Future Land Use Map Amendment: Street Map

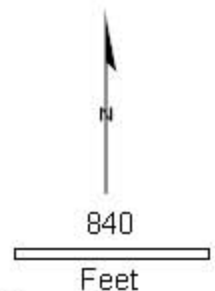
Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Future Land Use Map Designation from Residential Low (RL) to Residential Conservation (RC) and from Residential Low (RL) to Mixed-Use Commercial (MC)

Property Description: RE 00080190.000000, 00080120.000100, 00573690.003900
00573630.002600, 00573630.002601

Map Amendment:



Land Use District Map #: 63



PLANNING COMMISSION RESOLUTION NO.:

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS OF THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL CONSERVATION (RC) FOR PROPERTY LEGALLY DESCRIBED AS DESIGNATE HARBOR COURSE, SEC. 2, TRACT C, OCEAN REEF PLAT 13, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00080120.000100, 00080190.000000 AND 00573690.003900 AND FROM RESIDENTIAL LOW (RL) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS DESIGNATE HARBOR COURSE, SEC. 2, TRACT C, OCEAN REEF PLAT 13, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00573630.002600 AND 00573630.002601.

WHEREAS, the Monroe County Planning Commission, during a regular meeting held on June 28, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Low (RL) to Residential Conservation (RC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida having Real Estate Numbers 00080120.000100, 00080190.000000 and 00573690.003900, and from Residential Low (RL) to Mixed Use/Commercial (MC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers: 00573630.002600 and 00573630.002601; and

WHEREAS, the Monroe County Development Review Committee, during a regular meeting held on April 11, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Low (RL) to Residential Conservation (RC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida having Real Estate Numbers 00080120.000100, 00080190.000000 and 00573690.003900, and from Residential Low (RL) to Mixed Use/Commercial (MC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers: 00573630.002600 and 00573630.002601 and recommended approval to the Planning Commission; and

WHEREAS, the Planning Commission examined the staff report prepared by Julianne Thomas, planner on June 21, 2006; and

WHEREAS, the Planning Commission made the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions; and
2. In accordance with **Section 9.5-511 (d) (5) (b)**:

(ii.) Changed assumptions:

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.

(iii.) Data errors:

Staff believes that the Residential Low (RL) designation was never meant to include parts of 00080120.000100, 00080190.000000 and 00573690.003900, and now seeks to return the FLUM designation to Residential Conservation (RC).

(iv.) New issues

Staff recognized that areas in Ocean Reef with Land Use Designation changes did not have corresponding Future Land Use Map changes and is seeking to eliminate inconsistencies.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed for both commercial and residential uses in a cohesive way.

3. The subject property was zoned BU-1-M and BU-2-F prior to 1986.
4. The subject property was assigned zoning of Sparsely Settled (SS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential Low (RL) for the SS parcel.
6. The subject property was then changed to Sub Urban Commercial (SC) for parcels RE 00573630.002600 and 00573630.002601 pursuant to a development agreement in 1996.
7. The FLUM was never changed to reflect the change in land use designation.
8. The appropriate FLUM designation for RE #'s: 00080120.000100, 00080190.000000 and 00573690.003900 is Residential Conservation (RC).
9. The appropriate FLUM designation for parcels RE 00573630.002600 and 00573630.002601 is Mixed Use Commercial (MC).
10. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
11. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the

development at the adopted level of service standards concurrent with the impacts of such development.

12. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

WHEREAS, the Planning Commission made the following Conclusions of Law:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed Future Land Use Map designation is appropriate for this property and will allow the owners to make full use of the subject property.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Low (RL) to Residential Conservation (RC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida having Real Estate Numbers 00080120.000100, 00080190.000000 and 00573690.003900, and from Residential Low (RL) to Mixed Use/Commercial (MC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers: 00573630.002600 and 00573630.002601; and

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 28th day of June 2006.

Chair James D. Cameron	<u>YES</u>
Commissioner Sherry Popham	<u>YES</u>
Commissioner Randy D. Wall	<u>YES</u>
Commissioner Michelle Cates-Deal	<u>YES</u>
Commissioner Donna Windle	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
James D. Cameron, Chair

Signed this _____ day of _____, 2006

DEVELOPMENT REVIEW COMMITTEE RESOLUTION



DEVELOPMENT REVIEW COMMITTEE

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE PLANNING COMMISSION OF THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL CONSERVATION (RC) FOR PROPERTY LEGALLY DESCRIBED AS DESIGNATE HARBOR COURSE, SEC. 2, TRACT C, OCEAN REEF PLAT 13, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00080120.000100, 00080190.000000 AND 00573690.003900 AND FROM RESIDENTIAL LOW (RL) TO MIXED USE/COMMERCIAL (MC) FOR PROPERTY LEGALLY DESCRIBED AS DESIGNATE HARBOR COURSE, SEC. 2, TRACT C, OCEAN REEF PLAT 13, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00573630.002600 AND 00573630.002601.

WHEREAS, the Monroe County Development Review Committee, during a regular meeting held on April 11, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Low (RL) to Residential Conservation (RC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida having Real Estate Numbers 00080120.000100, 00080190.000000 and 00573690.003900, and from Residential Low (RL) to Mixed Use/Commercial (MC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers: 00573630.002600 and 00573630.002601; and

WHEREAS, the Development Review Committee examined the staff report prepared by Julianne Thomas, planner on March 31, 2006; and

WHEREAS, the Development Review Committee made the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions; and
2. In accordance with **Section 9.5-511 (d) (5) (b):**
 - (ii.) **Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.

(iii.) Data errors:

Staff believes that the Residential Low (RL) designation was never meant to include parts of 00080120.000100, 00080190.000000 and 00573690.003900, and now seeks to return the FLUM designation to Residential Conservation (RC).

(iv.) New issues

Staff recognized that areas in Ocean Reef with Land Use Designation changes did not have corresponding Future Land Use Map changes and is seeking to eliminate inconsistencies.

(v.) Recognition of a need for additional detail or comprehensiveness:

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed for both commercial and residential uses in a cohesive way.

3. The subject property was zoned BU-1-M and BU-2-F prior to 1986.
4. The subject property was assigned zoning of Sparsely Settled (SS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential Low (RL) for the SS parcel.
6. The subject property was then changed to Sub Urban Commercial (SC) for parcels RE 00573630.002600 and 00573630.002601 pursuant to a development agreement in 1996.
7. The FLUM was never changed to reflect the change in land use designation.
8. The appropriate FLUM designation for RE #'s: 00080120.000100, 00080190.000000 and 00573690.003900 is Residential Conservation (RC).
9. The appropriate FLUM designation for parcels RE 00573630.002600 and 00573630.002601 is Mixed Use Commercial (MC).
10. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
11. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
12. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

WHEREAS, the Development Review Committee made the following
Conclusions of Law:

1. This map amendment meets criteria (ii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.

2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed Future Land Use Map designation is appropriate for this property and will allow the owners to make full use of the subject property.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, to recommend **APPROVAL** to the Monroe County Planning Commission of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Low (RL) to Residential Conservation (RC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida having Real Estate Numbers 00080120.000100, 00080190.000000 and 00573690.003900, and from Residential Low (RL) to Mixed Use/Commercial (MC) for property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers: 00573630.002600 and 00573630.002601.

PASSED AND ADOPTED by the Development Review Committee of Monroe County at a regular meeting held on the 11th day of April, 2006.

Heather Beckmann, Sr. Planner	<u>YES</u>
Ralph Gouldy, Sr. Administrator of Environmental Resources	<u>YES</u>
Clarence Feagin, Sr. Planner	<u>YES</u>
Julianne Thomas, Planner	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF
MONROE COUNTY, FLORIDA

By _____
Heather Beckmann, DRC Chair

Signed this _____ day of _____, 2006

STAFF REPORT

Memorandum

To: Board of County Commissioners
From: Julianne Thomas, Planner
Alex Score, Biologist
Date: July 27, 2006
Re: Request for Future Land Use Map Amendment

MEETING DATE: August 16, 2006

RE NUMBER: 00080190.000000

EXISTING FUTURE LAND USE MAP DESIGNATION: Residential Low (RL)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Residential Conservation (RC)

EXISTING ZONING DESIGNATION: Native Area (NA)

PROPOSED ZONING DESIGNATION: Native Area (NA)

PROPERTY OWNER: State of Florida

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 1,447,634.67 S.F. or 33.23 acres; 2.88 acres being changed

RE NUMBER: 00573690.003900

EXISTING FUTURE LAND USE MAP DESIGNATION: Residential Low (RL)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Residential Conservation (RC)

EXISTING ZONING DESIGNATION: Native Area (NA)

PROPOSED ZONING DESIGNATION: Native Area (NA)

PROPERTY OWNER: Ocean Reef Club Inc.

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 483,521.24 S.F. or 11.1 acres; 1.27 acres being changed

RE NUMBER: 00080120.000100

EXISTING FUTURE LAND USE MAP DESIGNATION: Residential Low (RL)

PROPOSED FUTURE LAND USE MAP DESIGNATION: Residential Conservation (RC)

EXISTING ZONING DESIGNATION: Native Area (NA)

PROPOSED ZONING DESIGNATION: Native Area (NA)

PROPERTY OWNER: State of Florida

AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef

Size of Parcel: 273,117.75 S.F. or 6.27 acres; 1.31 acres being changed

RE NUMBER: 00573630.002600
EXISTING FUTURE LAND USE MAP DESIGNATION: Residential Low (RL)
PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)
EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)
PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)
PROPERTY OWNER: Ocean Reef Club
AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef
Size of Parcel: 272823.3 S.F. or 6.26 acres

RE NUMBER: 00573630.002601
EXISTING FUTURE LAND USE MAP DESIGNATION: Residential Low (RL)
PROPOSED FUTURE LAND USE MAP DESIGNATION: Mixed Use Commercial (MC)
EXISTING ZONING DESIGNATION: Sub Urban Commercial (SC)
PROPOSED ZONING DESIGNATION: Sub Urban Commercial (SC)
PROPERTY OWNER: Academy at Ocean Reef
AGENT: None.

PROPERTY INFORMATION

Key: Key Largo **Mile Marker:** Ocean Reef
Size of Parcel: 50,413.35 S.F. or 1.16 acres

Location Detail & Brief Description:

The property is located on Key Largo in Ocean Reef. The property legally described as Designate Harbor Course, Sec. 2, Tract C, Ocean Reef Plat 13, Monroe County, Florida, having Real Estate Numbers: 00080120.000100, 00080190.000000, 00573690.003900, 00573630.002600 and 00573630.002601

Existing Use:

The property is currently occupied by a variety of commercial and public uses. Among the uses are a pro shop and eatery that is going to be turned into a salon and spa. There is also a feral cat rescue center, the Academy at Ocean Reef and some tennis courts.

Existing Habitat:

The property is partially disturbed with both native and exotic landscaping. The remainder of the parcels is low tropical hardwood hammock of moderate quality.

Land Use and Habitat on the 1985 Existing Conditions Aerials:

The existing land use maps classify this property as community recreation. In the 1985 existing conditions aerials panel #330 classifies this area as 426 tropical hardwood hammock and 612 fringing mangrove

Neighboring Land Uses and Character:

The surrounding properties are mostly open land. To the North, West, and South of the subject property are hammocks. To the East are single family homes on a golf course.

ZONING AND LAND USE HISTORY

Pre – 1986 Zoning:

The subject property was zoned BU-1-M and BU-2-F prior to 1986. BU-1-M was a designation that allowed clubs and lodges. BU-2-F was a designation for the sale of alcohol. BU-2-F permits sale of beer, wine, and liquor for consumption on premises and in sealed containers for consumption off premises.

Considerations during 1986 comprehensive plan process:

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was re-designated as Sparsely Settled (SS) with a FLUM of Residential Low (RL).

Consideration during the 2010 comprehensive plan Process:

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply Future Land Use Map (FLUM) designations that were consistent with the land use district designations. The property was given a FLUM designation of RL which was consistent with original SS land use district designation.

Map changes or boundary considerations since 1986:

Two of these parcels (RE 00573630.002600 and 00573630.002601) were changed from SS to Sub Urban Commercial (SC) under a development agreement with Ocean Reef but the FLUM was not changed at the same time.

ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)

(i.) Changed projections:

None

(ii.) Changed assumptions:

Ocean Reef Club (ORC) is a gated community and private club that limits access to the community by non-residents and non-members. The community is a de facto municipality providing its own sewer, garbage, police, fire protection and medical services. ORC is isolated, 12 miles from Key Largo and 30 minutes from Florida City and Homestead.

The original change in zoning was granted in part based on much of the vacant land along CR-905 being turned into a wildlife refuge. Staff believed that the environmentally sensitive nature of the lands could be protected by reducing the number of trips on CR-905. One way to reduce the number of trips is to provide for more services on site. The only way to provide more services on site is to create more areas which will allow for commercial development.

ORC provides amenities to its residents in the form of commercial retail services, offices, restaurants, offices, schools, and recreation opportunities.

(iii.) Data errors:

Staff believes that the Residential Low (RL) designation was never meant to include parts of 00080120.000100, 00080190.000000 and 00573690.003900, and now seeks to return the FLUM designation to Residential Conservation (RC).

(iv.) New issues:

Staff became aware that the FLUM was not changed for several areas in Ocean Reef that had zone changes. Staff would like to remove these inconsistencies and allow full use of these parcels.

(v.) Recognition of a need for additional detail or comprehensiveness:

Staff believes that land use designation and FLUM designation should be consistent to allow for comprehensive development of the scarce land resources available to Monroe County and Ocean Reef.

(vi.) Data updates:

None.

IMPACT AND POLICY ANALYSIS

Comparison of development potential for the Current and Proposed Land Uses:

1. Current Land development regulations (LDR's)

The land is currently designated Residential Low (RL).

Policy 101.4.2

The principal purpose of the Residential Low land use category is to provide for low-density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations (LDR's) that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

2. Potential Land Uses with Proposed Map Amendment

Staff is requesting a future land use map amendment from Residential Low (RL) to Residential Mixed Use Commercial (MC) for parcels with RE #'s 00573630.002600, 00573630.002601 and RL to Residential Conservation (RC) for parcels with RE#'s 00573690.003900, 00080120.000100 and 00080190.000000.

Policy 101.4.1

The principal purpose of the Residential Conservation land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. Low-intensity public uses and utilities are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on

January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted. Maximum permitted densities shall be based upon the results of the habitat analysis required by Division 8 of the Monroe County Land Development Regulations, as amended.

Policy 101.4.5

The principal purpose of the Mixed Use/ Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.

The list of permitted as-of-right and conditional uses includes commercial uses, office, institutional, public uses, hotels and marinas. More specifically, the SC permits commercial apartments and employee housing of less than six (6) units as-of-right, subject to meeting all other requirements. More than eighteen (18) units require a major conditional use.

Compatibility with adjacent land uses and effects on community character:

Density and Intensity

Changing the FLUM from RL to RC will protect the open space and natural areas which surround the SC parcels. Changing the FLUM from RL to MC will not increase the density of the two parcels which already have a land designation of SC and are developed as SC parcels. Changing the designation will only allow Ocean Reef to fully develop these parcels which have been cleared and identified as commercial areas and not encroach on sensitive environmental areas.

Use Compatibility

The property zoned NA is open space and natural areas. The property zoned SC is developed with a club, a cat shelter, and the Academy at Ocean Reef. The FLUM designations requested will allow the SC parcels to be developed fully as MC parcels and the NA parcels to be protected under the RC designation.

Effects on Natural Resources Goal 102

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.

These FLUM changes will allow the SC parcels to be developed to its fullest potential and minimize the need to build or clear environmentally sensitive lands, like the NA parcels, to provide services to the community.

Effects on Public Facilities: Objective 101.11

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM amendments will not affect Objective 101.11 and will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive areas.

Local Traffic, Parking, and Traffic Circulation

The subject property is located in Ocean Reef, a gated community with limited access to non-members. Much of the travel within Ocean Reef is conducted using golf carts and staff has no evidence that there will be any local traffic, parking or traffic circulation issues created.

Effects on Public Facilities

ORC provides many of its own services in terms and anticipates no problem continuing to meet the community needs if this amendment is approved and enacted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions; and
2. In accordance with **Section 9.5-511 (d) (5) (b):**
 - (ii.) **Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.
 - (iii.) **Data errors:**

Staff believes that the Residential Low (RL) designation was never meant to include parts of 00080120.000100, 00080190.000000 and 00573690.003900, and now seeks to return the FLUM designation to Residential Conservation (RC).
 - (iv.) **New issues**

Staff recognized that areas in Ocean Reef with Land Use Designation changes did not have corresponding Future Land Use Map changes and is seeking to eliminate inconsistencies.
 - (v.) **Recognition of a need for additional detail or comprehensiveness:**

There are limited areas in ORC that are zoned for commercial uses. Changing the land use designation and FLUM of this parcel will allow this area of Ocean Reef to be developed for both commercial and residential uses in a cohesive way.
3. The subject property was zoned BU-1-M and BU-2-F prior to 1986.
4. The subject property was assigned zoning of Sparsely Settled (SS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use category of Residential Low (RL) for the SS parcel.

6. The subject property was then changed to Sub Urban Commercial (SC) for parcels RE 00573630.002600 and 00573630.002601 pursuant to a development agreement in 1996.
7. The FLUM was never changed to reflect the change in land use designation.
8. The appropriate FLUM designation for RE #'s: 00080120.000100, 00080190.000000 and 00573690.003900 is Residential Conservation (RC).
9. The appropriate FLUM designation for parcels RE 00573630.002600 and 00573630.002601 is Mixed Use Commercial (MC).
10. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
11. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
12. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

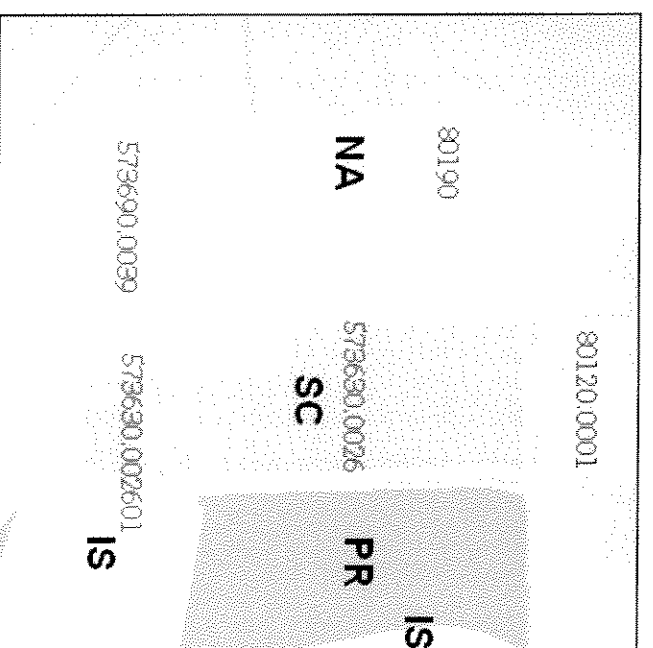
CONCLUSIONS OF LAW:

1. This map amendment meets criteria (ii), (iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed future land use map designations are appropriate for these properties and will allow the owners to make full use of the subject properties.

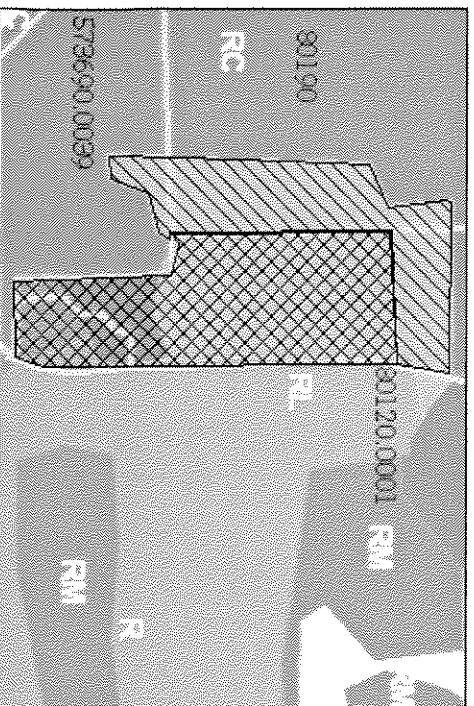
RECOMMENDATION:

Based on the above Findings of Fact and Conclusions of Law, staff recommends **APPROVAL** to the Board of County Commissioners for the proposed Future Land Use Map amendments from Residential Low (RL) to Mixed Use/Commercial (MC) for RE#s : 00573630.002600 and 00573630.002601 and from Residential Low (RL) to Residential Conservation (RC) for RE#s 00080120.000100, 00080190.000000 and 00573690.003900.

Ocean Reef Map 6



The land use designation map is not changing.



The future land use map is changing.

The hatched area in RE # 80190, 573690.0039 and 80120.0001 is changing from Residential Low (RL) to Residential Conservation (RC).

The cross-hatched area in RE# 573630.0026 and 573630.002601 is changing from Residential Low (RL) to Mixed Use/ Commercial (MC).